

BOARD OF DESIGN REVIEW MINUTES

September 2, 1999

ROLL CALL: Present were Chairman David Williams; Board Members Renee Cannon, Anissa Crane, Stewart Straus and Hal Beighley.

CALL TO ORDER: Meeting was called to order by Chairman Williams at 6:45 p.m, he read the format for the meeting. There were no disqualifications of Design Review Board members. No one in the audience challenged the right of any Commissioned to hear any of the agenda items. There were no continuances presented. Chairman Williams indicated that the decision before the board tonight was a limited land use decision.

Staff was represented by Associate Planner Colin Cooper; Senior Planner Bill Roth; Project Engineer Jim Duggan; Development Services John Osterberg; Assistant District Attorney Ted Naemura, and Recording Secretary Cheryl Gonzales.

OLD BUSINESS:

Continuances

A. BDR99056/TPP99004 - MAGNOLIA GREEN

(Continued from August 26, 1999)

Request for approval to construct approximately 201 townhomes and condominiums with associated parking and landscaping. The proposal includes a pad for a commercial building and associated parking on the northeast portion of the site, abutting SW Millikan Way. The applicant also requests approval of a Tree Preservation Plan, TPP 99004, because the site contains trees identified as Grove 38 on the City's Inventory of Significant Trees. The site is within the Station Area-Medium Density (SA-MDR) zone. The site is located at the NW corner of Millikan and TV Highway, and is approximately 19.08 acres in size. Map 1S1-08; Tax Lot 2400.

Staff report was made by Colin Cooper, Associate Planner, Community Development Department. Magnolia Green was a proposal for 201 townhomes and condominiums and a 5000 square foot commercial pad. Zoning on the site was station area, medium density residential (SAMDR); site is currently undeveloped. Boundaries were SW Millikan

Boulevard on the east; Tualatin Valley Highway on the south; St. Mary's Home for Boys on the west; and on the north, Tualatin Hills Park and Recreation District (THPRD) Nature Park and Beaverton Creek. Project was subject to a Tree Preservation Plan as Grove 38 is located on the site; applicant has provided a tree inventory. The design framework was a primary public street spine from which one circular private road circles to serve one of three different neighborhoods, similar to the same types of buildings proposed by the applicant on the Aspen Woods project. There are two story town homes, three story townhomes and carriage flats. Placement of the homes were so designed as to preserve views and enhance the value of the property. The other design element was the preservation of a grove of Ponderosa Pine trees located in the center of the site and other trees (black cottonwoods, hawthorns) along the perimeter of the wetland buffer. Special elements and the history of Grove 38 was described. Applicant has provided a specific tree inventory.

Mr. Cooper noted that the site does not have any access to Tualatin Valley Highway which necessitated all access from SW Millikan. The State of Oregon, Department of Transportation purchased the access rights from the Archdiocese, the property owner.

Regarding wetland and water quality issues, the applicant has exceeded the required buffer distances for the entire project, having doubled the requirements in most cases.

As to compatibility, the lowest mass buildings were placed at the western perimeters while the larger mass buildings nearer the public right of ways. Again, Mr. Cooper reminded the audience the site was not pristine.

Among the materials submitted to the Board, was a staff report addendum which was a collection of exhibits received from various sources, also case exhibits from Mr. Henry Kane; Exhibit 13 from the Board Chair of St. Mary's Home for Boys which rescinded exhibit 5 which was a letter written on St. Mary's Home for Boys' letterhead. This letter, Exhibit 13 asserted there were grave sites on the Magnolia Green site. Staff contacted St. Mary's Home for Boys, spoke to the Director's assistant (Michael Poll) who indicated they had no additional information, death certificates, burial records. The Archdiocese in Exhibit 6 stated they went to the site, accompanied by a member of the cemetery staff, to search for any evidence of gravesites. They had a backhoe with them. They could not find any such evidence. Also, Exhibit 7 from Alpha Engineering was included which had a letter from their archeologist. It stated they had gone out and sought any surface or sub-surface evidence and found none. Lastly, there was a letter from applicant's attorney, which was reviewed by the city attorney, and stated in essence there was no preponderance of evidence of burial sites on this property. However, in the event that there could be, there was no Oregon law or statutes that would indicate development could not proceed. Mr. Cooper concluded, stating that in his staff report addendum was a contingent condition, noted as condition #22. It implied that were graves to be discovered on the development site, the applicant would need to do several things required by State law.

Mr. Cooper stated that staff recommended approval with conditions of the proposed development. The materials boards were before the Chairman.

There were no questions for staff from the board.

The applicants came forward, directing their pro-active approach was Mr. FRED GAST, Polygon Northwest, 2700 NE Andresen, Suite D22, Vancouver, WA 98661.

Applicants team approach included consultants, neighbors, THPRD, St. Mary's Boys' Home, neighborhood review meeting and conservation organizations. There would be discussion on the development concept; how the overview of the site plan was brought forward.

Mr. Gast discussed initially how they arrived that site plan, the development concept itself. There were three development criteria:

First in consideration were the external factors: the park, Beaverton Creek, the Boy's Home, TV Highway and Millikan Way and being sensitive to the surrounding uses. This precipitated the use of generous bumpers, increased set backs, sensitivity to water quality, landscaping with appropriate materials, careful lighting analysis and honoring reasonable neighbor requests.

Second criteria was onsite factors. Applicant looked at the trees, wetlands, habitat and associated assets. The site was not endowed with a vast number of resources. The course was one of preservation and enhancement of what was there. Applicant wanted to create passive amenities as assets. The last onsite factor was handling minimum density.

The third criteria was the product selection, the market correlation for the project to be successful.

Applicant's final objective was to establish a community of 201 moderately priced townhomes/condominiums. The plan created three distinct neighborhoods within one master planned community. Each neighborhood advantageously corresponded to its surroundings. There were different choices in home ownership. The architectural theme was traditional craftsman style; the color scheme was approved by the Board recently.

Concerning the three neighborhoods, there were flats in a two story configuration, good for the elderly or handicapped, ranging in size between 800 and 1100 square feet, target price range was \$95,000 to \$125,000.

The two story townhomes along the creekside were great for empty-nesters, range in size was somewhere around 1400 square feet. These were three bedroom units, one and/or two car garages.

The last product type was a three story townhome located in a higher topography. They were two and three bedroom units for possibly young professionals, or a single family detached house. They ranged from 1100 to 1500 square feet; price range was \$129,000 to \$160,000.

APPLICANT TEAM, Mr. MIKE MILLER, ALPHA ENGINEERING, 969 SW OAKS, SUITE 230, PORTLAND, discussed the basis of the plan with regard to site, market, code. Concerning the site, Mr. Miller addressed the adjacency issues: the environmentally sensitive lands; the urban conditions where there was a lot of traffic noise (SW Millikan and TV Highway) which would require buffers. There was the Boy's Home and Aspen Woods. To respond to these issues, the lower profile buildings were placed along the northwest edge while the taller buildings were set up against the road. There was also 4.1 acres proposed to be dedicated to the park district.

Mr. Miller stated that the biggest challenge was the one entry to the project with the goal being the development of three distinct neighborhoods, three different housing types. This was accomplished by not having any driveways or direct access internally onto the street. This would give the feel and read more like a public street. The view upon entering was focused primarily on the creek and would lead onto the center green space. The views offsite were the amenities created by terraces (shown on the exhibit). The code was exceeded in every aspect; the zone was SAMDR, allowing for 20 to 30 units per acre. The actual maximum number of units was something around 450 units, the proposal was for 201, the lowest end of that density. All the units would be owner occupied. They are not apartment dwellings.

Regarding the set backs, the minimum requirement was 25 feet from the wetland, the project in most cases was 45 to 50 feet away. The highest buildings were 35 feet whereas 60 feet was allowed. Approximately 50 percent of the site was open space. Concerning the tree preservation issue, out of the 41 trees on the site, 20 of those were protected and about 945 additional trees would be planted. Mr. Miller stated there would be no encroachment on the wetlands. As for parking, Magnolia Green would require approximately 350 parking spaces and did not include all the parallel parking.

Water quality was recognized as a big issue in this project, extra measures were taken to protect the water quality. A number of experts were consulted, locally and nationally. Present was a representative from the Stoneware Quality Filter Companies, Gary Bliss. Proposed for this project was a state-of-the-art water quality facility with four swales. The entire periphery of the project as it faced onto the creek was virtually surrounded by a moat of swales. There was also a triple protection system: drain inlets, filters, swales. The

swales were double the length required. It would be likened to wearing three belts and four suspenders. It has been calculated that this chain of systems should be able to intercept 95 percent of the total suspended solids created by the development. This was compared to Beaverton Creek samples taken by USA last year which projected 15 percent total suspended solids. In actuality, the water being released into Beaverton Creek would be three times as clean as the water that was in the creek. This would mean that there was no adverse impact with regard to water quality.

The overall project entry would be from Millikan Way. Neighborhood entry signs within the project would define the three distinct neighborhoods. Along the periphery of the project, having consulted the team biologist and the wetland conservancy, plant types were established which would occur between the building site and the actual restoration work of the wetland conservancy. Mr. Miller concluded by stating that staff had found that the plans submitted complied with eight code criteria. They were open to questions and discussions.

Chairman Williams asked about the pile of dirt, its removal and the amount of leveling. Mr. Gast responded that the material placed there was a stockpile for future grading. Applicant's geo-technical engineer tested the quality of the material to determine whether or not it would be distributed on the property or exported. Results were that the majority of the material was good enough to use for structural fill, the top would be need to be stripped. The grading plan called for redistribution of the balance of this pile of material.

Board member Straus asked where the trash disposal facilities were provided. Mr. Gast answered the trash was handled inside unit; there was normal garbage pickup.

Board member Crane questioned the placement of the fence. Mr. Gast replied it was the standard 15 feet off the back of the building; it was to be a black chain link fence, the boundaries of which were established with the assistance of THPRD.

Board member Cannon questioned the formulas and calculations, how they were applied, what they were specifically applied to and asked for more clarity with regard to the filter system. Ms. Cannon asked about the vault requiring changing and maintenance. Mr. Gast stated that maintenance was in their plan

There being no further questions or discussion from the Board, Chairman Williams opened the meeting to the public.

MR. MARV DOTY, 7350 SW WILSON AVENUE, BEAVERTON, OREGON 97008 had a panel of four other individuals:

MR. TIM HJORT, 15715 SW DIVISION, BEAVERTON, OREGON 97007;

MR. DICK SCHOUTEN, 6105 SW 148TH AVENUE, BEAVERTON, OREGON 97007;

MS. MARGARET ARMSTRONG, 5205 SW 192ND, ALOHA, OREGON 97007

Mr. Doty opened the discussion identifying himself as a consulting mechanical systems engineer with 25 years in the industry. He had reviewed the proposal in depth with the exception of the material he had just received two days ago from the applicant. Mr. Doty stated the applicant had not succeeded in reaching their burden of proof. The project was not compatible with the surroundings, the nature area, the creek. Most importantly, the water quality would be adversely affected.

Mr. Tom Hjort identified himself as a civil engineer. His concern was water quality and quantity issues. He stated he had just received a report 24 hours ago and did not have adequate time to study it to make an intensive follow-up investigation with applicable findings. He stated that the Magnolia Green project would have a negative effect on the surrounding neighborhoods, the creek, the wetland. Pollutants would be higher than what could be calculated; the frequent maintenance that the filter would require to function at peak would not be maintained adequately or regularly, and asked who would be doing it. Mr. Hjort commented the end result would be the erosion of the creek and the pollution of the wetlands. He discussed the routing of the higher intensity storms around the system, the inadequacy of the catch basin, that pollutants would still be discharged into the wetlands. Phosphorus, heavy metal pollutants, oil levels would exceed what was safe. Mr. Hjort emphasized the need for regular inspection and monitoring and maintenance of the four storm filters and 5 catchers. Debris and settlement would need to be removed for efficient operation; piping flushed out; grass swales mowed and maintained, litter and branches removed. He asked if the homeowners were responsible for this. He added that the higher intensity storms reduce the effectiveness of the swales and discussed the results of the Horner study and its relation to this. He stated that the applicant's description of the water quality system's performance was based on an equation based on theory as opposed to being established on a basis of actuality.

Regarding construction and the stock pile, it was Mr. Hjort's leaning that 30,000 to 40,000 yards of material would need to be removed.

Also discussed was the concern of increased run-off, Mr. Hjort stated that peak flows of water had a tripling effect and that the concentration at only four points was not sufficient; it would travel across the wetland into the creek. The park would no longer be a valuable resource. Board member Cannon again asked Mr. Hjort's background and affiliations. He answered that he had specialized in water quality and storm runoff but was not a specialist in hydrology as such. His calculations were his own. As an engineer, he had been professionally licensed in Oregon for 40 years and worked primarily on projects of this nature.

Board member Crane questioned higher intensity storms, their definitions and implications on the storm filters. Discussing rainfall inches in a day, Mr. Hjort stated that in a four day storm event, USA used 3.6 inches of rain in four hours. A 25 year storm event would be "x" amount on inches of rain in 24 hours.

Board member Straus asked if the applicant's project met the USA standards in their water quality system. If so, then they've accomplished what they set out to do. Mr. Hjort commented that USA standards are general standards only and there was no obligation to meet anything higher. Mr. Schouten, stated that with regard to USA standards, storm centers must handle runoff at a level determined in the city development code. Board member Straus asked about additional measures used to enhance the performance of the system. Board member Cannon responded that to reduce erosion, haybales, silt fences, gravel pads, ecology bags, onsite ponding could be implemented when they would begin to break ground. The question arose as to whether or not the city was responsible to control, inspect, and oversee this. Board member Cannon asked if it would help if the applicant were to have someone on the site to police this at the start of construction. Chairman Williams stated that there were safeguards built in to manage this.

MS. MARGARET ARMSTRONG at this time identified herself as a teacher of science, having a BS degree in microbiology. She had a sample of the creek water. Her concern was primarily air quality, water, soil, plants, animals, the pond and the impact of the increased cars at Magnolia Green; air pollutants, water pollutants -- phosphates, nitrates, etc. There was certain to be a detrimental effect on fish, organisms, the Eco-systems. She asked what steps would be taken to preserve and restore these areas now. There were several new statutes forthcoming in the future which promise more intense protections of the environment, but that was future. She stated the 25 year storm event with regard to rain in Oregon, has hit the 200 year flood plain. She pointed out the huge amounts of soil that had been dumped on the site, they would have to moved, compacted. How would the sediment then effect plants. There would be an alteration of hydrology causing a disruption of top soil which would make native plants hard to stay established. Ms. Armstrong asked who would take responsibility for all this. What limitations would there be with regard to the use of pesticides and sprays. She stated that the applicant's report on the ponderosa pines and large oak tree was contradictory. In 201 new homes, the pet population would correspondingly increase: however, more cats; less birds. Would there be limitations on use of lawn mowers, leaf blowers. Any and all the above would have a negative impact on the neighborhood. In conclusion, Ms. Armstrong asked if the Magnolia Green project was actually the highest and best use of the land.

MR. DICK SCHOUTEN, Homeowner president and member of the Oregon State Bar, commented that some material was not circulated in a timely matter, i.e. the service water analysis. His concern was the applicant's meeting their burden of proof. He stated in

order to present a formidable position, staff and board should have enough time to read through the material thoroughly for maximum comprehension.

In response to the issue brought up by Ms. Armstrong, a Board Member stated that the noise pollution caused by the lawn mowers and leaf blowers was restricted by the CC & Rs.

Mr. Schouten continued and referred to Polygon's exhibit 4, page 7, item 7, taken from Tech Standards. Surface water handling should have no adverse effects on neighboring properties. Page 6 of exhibit 4, stated adequate means were to be provided to maintain systems. Would the storm drain facility be privately maintained or publicly owned. He stated those that were privately owned must have no adverse effects on the neighboring properties. Under most CC & Rs, storm drain facilities were privately owned. The compatibility of the system was also challenged. The gravesite issue was likewise not resolved to the panel's satisfaction.

Mr. Doty again emphasized his major concern, being the same as other citizens, the impact of the project on the neighborhood.

Board member Cannon asked Mr. Doty and the panel what they thought would be an appropriate use for the property. Mr. Doty declined to make a definite decision at this time concerning this question. He stated their concern was the adverse effect, long term basis, on the nature park, and that elementary schools would be overloaded. The projects major population of people, pets, automobiles and contaminates were the biggest problems in their minds.

This was the end of the public citizen's panel directed by Mr. Doty.

MS. JANICE HEALY, 4210 SW 198TH AVENUE, ALOHA, OREGON identified herself as an historian specializing in the advocacy of who and where the burials are in the state of Oregon. She was currently working on a project to update and correct the inaccurate information published by the Oregon Department of Transportation in 1979, in the book entitled "Oregon Cemetery Survey". She stated that usually there were no lost cemeteries, they were just misplaced. She had been aware of a burial site on the location known now as Magnolia Green for a number of years. Her information was from an elderly neighbor lady in the early 60s, who had first-hand knowledge of it and was now deceased. Ms. Healy has added to her information. She and her associate were furnished names of four individuals who were buried on the site, supposedly under a large pine tree. Death certificates were located for all but one who did not show up in the death index, the death certificates, or in any of the catholic cemeteries in the area. One male was shown to have been buried in the St. Mary's Cemetery. This was not to be confused with the Sister's Cemetery. There was also a St. Mary's Cemetery in Multnomah County, but he was not listed as being buried there. Copies of the death certificates were passed to the

Board members. A second person, a young boy who died in 1920, was also shown to have been buried at St. Mary's Home. A third gentlemen, likewise. These three individuals were all connected to the boy's home. Ms. Healy stated that there were additional records that she has not been unable to access as yet. There could be as many as 15 to 20 additional burials on this property. A recent walk through the property with Stan Clarke and Paul Ferris produced what they felt might be the three graves, located near the large pine. It was a typical older burial site, on a rise of ground, unsuitable for farming. It was protected with the planting of trees in either a rectangular or circular configuration; in this case, a row of poplars with pines interspersed and native plants growing within the area. Ms. Healy stated she had discussed her findings with Emma Denis, Executive Director of St. Mary's Home for Boys. Ms. Denis stated she had expressed her concerns about the burials to Mr. Gast and the Archdiocese of Portland and told Ms. Healy they were ignoring this information. This was reflected on page 12 of the application for this project as it stated there were no known significant historical features on the site. Ms. Healy reminded the Board and the audience that there were very strict guidelines regarding the disturbance of gravesites and/or the removal of remains for transfer to another cemetery. Because of the number of years, and the likelihood of wooden boxes, the only remains would probably be only a few large bones. Ms. Healy requested, that based on all the foregoing information, the Board reject the application as incomplete and require the developer to submit a plan on how they would deal with the burial site.

Board member Straus asked that based on the assumption of there being burial sites here, what would be the appropriate action to be taken and by whom: the construction of a fence of a designated area and a historical marker perhaps to acknowledge what was there. Ms. Healy concurred this would be appropriate or even moving the remains to another cemetery.

Chairman Williams addressed Mr. Gast and asked him to ascertain the age of the trees being discussed here. Eighty years was a significant amount of time.

RECESS at 8:12 p.m.

RECONVENED at 8:27 p.m.

MR. HENRY KANE, 12077 SW CAMDEN LANE, BEAVERTON, OREGON, 97008, continued with the public hearing portion. He stated he had been a resident of the county since 1955; the city since 1973. He also requested that the hearing record be left open for a least seven days after the conclusion of the public hearing based on an ORS 197.763.6.A.C., due to the deluge of last minute information. There wasn't time to study it and having the expertise required to analyze it, his evidence would be seriously lacking. He had been previously successful in winning a storm water runoff case against a developer in Multnomah Circuit Court.

Mr. Kane first discussed page 7 of 24, the runoff and overflow from the swales, that it would run down the steep slope into the wetlands. He noted there was Federal law protecting the wetlands. The applicant had not addressed this issue nor did the staff or Facilities Review Committee. He stated this was sufficient to get an extension of time so that the applicant and staff could address this issue.

In response to Mr. Straus' question, Mr. Kane asked that the record be kept open for seven days so he could review and report to the Board on his findings. He commented that his documents and exhibits show that the ground was saturated and that footings should be changed. Mr. Kane also expressed concern regarding one access versus two, and fire safety matters that had not been addressed in the staff report. He reported he had experience with water velocity and erosion in successful litigation and expressed concern regarding erosion control and details regarding swales. He stated he felt that LUBA would remand the proposal if the BDR and City Council do not address Subsection G of the USA rules. He also stated that the deed restrictions were worthless and most of them very unenforceable.

Assistant City Attorney Ted Naemura stated that the limited land use hearing was controlled by ORS 197.195. Mr. Kane had requested additional time of seven days for the record being held open under that provision he cited 197.763 (6), and that statutory provision does not apply to a limited land use hearing. As a result, Mr. Naemura advised the Board that that request for a seven-day holding open of the record was not in order.

Mr. Kane also noted it was his recollection that that statute allowed for granting a motion to keep the record open for a limited time. Chairman Williams stated that he would prefer to table that until the end of the testimony.

PAULETTE FURNESS, 2838 E Burnside Street, Portland, OR 97214, representing the Archdiocese of Portland, spoke in support of the project and stated that it does meet or exceeds all of the Board of Design Review criteria. She addressed the concern that there were graves on the site. They did not wish it to be construed that the Archdiocese ignored this concern that was expressed in 1990. The Archdiocese was informed that there were three people buried on the site sometime between 1918 and 1922. They took efforts to find remains but no findings were made during their investigation. A more recent search of the records resulted in no conclusive evidence that any burials took place on this site or if there were any, the records suggest they were moved to other cemeteries. Significantly, the recent search for remains, have found no remains and Ms. Furness noted that if any remains are found during development, the Archdiocese would be responsible for working with the developer to relocate any remains in accordance with all law.

In response to Ms. Crane's question, Ms. Furness stated that the search for remains appeared to show that they did look in the locations referred to.

DEB JONES, 14165 SW Stallion Drive, 97008. Ms. Jones stated that the property could use some improvements, but the question is what kind and how. As noted, there are a few questions based on the USA stipulation; however, if the Magnolia development passed the standards, it would also be necessary to look at other impacts such as the adverse effect on the neighboring nature park. She noted it did pass many of the other standards, but stated it still broke other regulations and they needed to be addressed. The G regulation referred to by Mr. Kane and others must be paid attention to as any damage to the nature park would be a significant problem. Ms. Jones requested that any conditions the Board established for making sure the long term health of the nature park was maintained be made very clear and they were to be put on any decision made at this meeting, so that Polygon and others know exactly what you think is going to make the nature park stay healthy, both short-term and down the road.

Ms. Jones also wanted to make certain that Polygon had had conversations with St. Mary's Boys Home and the impact that they were a lock down facility after 9 p.m.

Ms. Jones stated that at an earlier public meeting Polygon indicated that these would be affordable starter homes. However, she said that at this hearing she heard the homes are for empty nesters, which she wasn't sure might change the price range. If that changes, she asked what would stop them from becoming condominium and rental units down the road, as was happening in other areas and thus not being affordable any longer.

JEROME MAGILL, 9280 NW Cornell Road, Portland, OR 97229 asked the Board to remember that one of the designated uses of the site was as a park. He also read the City of Beaverton Code 40.10.5 paragraph 9 which addressed the purpose of the design review process. He asked that the Board to keep this in mind when they made their decision.

ROSS TEWKSBURY, PO Box 25594, Portland, OR 97298 stated he was a member of the Friends of Beaverton Creek who are working on the restoration behind the medical center. He requested that this organization be allowed to save and transplant the many large leaf lupins located on this project. Secondly he addressed the tree preservation plan which he felt was inadequate. He noted the developer had committed to preserve as many trees as possible but felt the proposed design did not meet that statement. Mr. Tewksbury proposed a redesign of the site to maintain the grove in the middle in its entirety thus preserving more trees and also addressing the burial site issue. He also expressed concern regarding the young baby pines on the site; if half of the trees are removed as proposed, it would make them susceptible to wind damage and erosion compaction. He stated that by reconfiguring the site design to preserve the grove of trees, it would enhance the site and save many of the native plants and trees.

JACK FRANKLIN, 5025 SW Fairmount Drive, 97005, expressed concern regarding the dirt for this development. He stated that he felt the amount of soil that would need to be

rearranged would be greater than what was indicated in the report. He also suggested that handling of the soil would impact the creek and pond as well as the surrounding facilities and buildings. He also mentioned the issue of wetlands as outlined in the report.

STANLEY R. CLARKE, 6928 SE Belmont Street, Portland, OR, stated he was a burial site locator and outlined his efforts in conjunction with Ms. Healy regarding the possible burial site located on the property. He suggested that the site should be left as is and become a part of the open space and marked appropriately. No heavy equipment should be allowed on this part of the site. He also stated there was precedence for altering the site design to accommodate burial sites.

JOHN GRIFFITHS, 10245 SW 153rd Avenue, Beaverton, OR, 97007, noted that when the Board approved the Aspen Woods project there were some items that were not covered in the Land Use Order. As a member of the THPRD, he read into the record the letter from Mr. Knudsen, the chairman of the THPRD regarding the district's stand on the Polygon proposal.

Ms. Cannon questioned what the Aspen Woods development pet restrictions were and if they were part of the Board's order. It was stated that they were part of exhibit 9. It was noted that the condition Mr. Griffiths was referring to was discussed at the City Council during the appeal.

REBUTTAL BY APPLICANT

Mr. Fred Gast, Vice President of Polygon Northwest stated that they had submitted the water quality documents prior to the deadline set by the City for review. In response to the issue of compatibility of medium density residential development for this site, he stated this was determined when the Planning Commission and City Council unanimously approved the site for that zone. He reported conversations have been had with the fire department regarding fire safety and the single access issue. He also reported that there was an emergency access and that two of the three building types were sprinklered which met the requirements of the fire department. With respect to construction standards, the park district and some neighbors had said that the water quality would be impacted at Beaverton Creek during site development and that the provisions were not sufficient. He responded that the mitigation of the erosion plan had several barriers of silt fence, settlement ponds, hay bales and a distribution of hay material across 100 feet of width on this site. They had in fact gone beyond what the normal practices would be in such a situation for the very reason that they were concerned about water quality as well. If there was a concern by the park district regarding water quality and their impact during construction, Mr. Gast did not understand why a group was going to go out and remeander the creek. He felt this remeandering the creek was going to be far in excess of what their activities would be. He understood they were trying to improve water quality.

There was also a concern that the new homeowners would not care about what they own. Mr. Gast stated they had found success with other homeowner associations. Mr. Gast noted that the declaration developed was a standard declaration except for two items, one was maintenance of the water quality facilities and the long-term replacement of those facilities; and part of the association fee was to be set aside in a fund for replacement of a water system, maintenance provided by a contracted agency.

Mr. Gast stated that the plan exceeded the requirements for tree preservation. He noticed the comment from the park district regarding preserving the white oak. It was one of the few trees which would be removed from the site, but they were mitigating with additional white oaks. They were also mitigating the planting of an additional 850 trees on site.

GARY BLISS, Senior Engineer was the engineer of record for the applicant. He noted that the impact to adjoining neighbors is always a concern, both by their choices and the appropriate agencies. His testimony was in response to comments regarding performance and design of water quality. He noted that in prior meetings they were challenged because they were only exceeding design and constructions standards by USA, and not addressing performance. So they went a step further and investigated actual record data from studies and developed sites, and found that approximately to use a typical residential or commercial development, there would be 100 milligrams of total suspended solids in a sampling. In analysis of this, they found that end of the design standards they would be able to remove 95% of the total suspended solids and 72% of the total phosphorous. USA had tested Beaverton Creek over a number of years and typically during a low flow period, their average content or concentration in Beaverton Creek was 15 milligrams per liter for total suspended solids, and 13/100 milligrams for total phosphorous. Their designed system will more than exceed that and will be 1/3 the concentration of total suspended solids and less than 50% of a concentration of total phosphorus discharge. With respect to the basin, there are approximately 8,000 acres of drainage basin, Beaverton Creek, Canyon Creek, Golf Creek, Johnson Creek, to name a few, that provide drainage to this point. These 21 acres comprises .25 percent of the total. The fact that they are improving the discharge of the drainage into Beaverton Creek threefold, and the fact that they are .25 percent of an area of the total basin, most of which is totally uncontrolled, would result in negative impact. In response to erosive velocity, this is usually considered for a grassy swale being 3.5 feet per second and greater. The design velocity for water quality treatment flows will be .22 of a foot per second or .2 foot per second. The 25 year flows will be less than .5 foot per second. That is 1/7 of a normal erosive velocity and thus would not be adding erosive velocity. In response to Mr. Straus' question, Mr. Bliss said they were regulating the flow through the storm drain system, but not detaining onsite because of the City ordinances. They stipulate that if you are adjacent to a stream, you are not to detain onsite. They are required to discharge into the stream rather than detain so as not to impact the peak from flows above the property.

In response to Ms. Cannon's question regarding erosion control measures and Mr. York's response that it would require a well-designed plan, Mr. Bliss suggested that their plan is well-designed and has gone beyond anything that has been developed locally and in the Northwest. Specifically he noted the 100 foot buffer, then protected by a berm and directed to a pond and released in a controlled measure as well as other erosion control methods such as bales, silt fence, biobags and seeding.

Mr. Bliss stated that since the hearing on Aspen Woods and subsequent to this development's process, another plan was submitted to the City. It was reviewed and approved and met only the minimum USA standards, this project was the Boys Home. He stated he was not aware of any objections to the Boys Home and it was unanimously endorsed and recommended for approval with no concern for erosion, dust, etc. It is in a closer proximity than Magnolia Green.

Regarding the maintenance of the storm drain system, a representative of the designer and manufacturer of the storm filter of the proposed system who could provide technical aspects of the design, was present. However, in response to questions regarding normal maintenance, once vegetation is established, he stated it was normally once per year. He reviewed periodic inspections of the other aspects of the drainage system. He noted that the swales, once established, will be left alone and in a natural state that won't require mowing. He noted two other developments and their standards were less than what was being proposed for this site.

In response to Mr. Kane's issue of wetlands, Mr. Bliss noted that these agencies only have jurisdiction when you impact or are within the boundaries of a wetland. The wetland will not be impacted and thus is a moot point Mr. Bliss stated. Also, in response to Mr. Franklin's statements regarding the soil, he suggested that there is no top soil on the bottom of the pile. That is uncommon because the top soil is stripped off prior to putting on the fill. He also noted that they are required by ordinance to have a soils engineer on the site doing periodic inspections certifying all fields, all excavations, prior to filling. Fills, as they go, are tested to make sure the soils are suitable and to make sure the compaction is suitable to support the building. That report is sent to the City. All reports are put together and at the end of the project, a letter from the geotech is sent to the City, certifying that those soils were suitable for development.

Lastly, in response to issue of bull frogs, Mr. Bliss stated that on another project the wetland biologist said those are bull frogs and are free game because they are predators to the red legged frog's eggs.

In response to Ms. Cannon's question, Mr. Bliss stated he was a licensed civil engineer in the State of Oregon, California and Washington; he reviewed his work experience and stated his college upper division specialty was hydraulics and continued his education through work and at seminars in hydraulics.

Mr. Gast stated that all wetlands associated with this project are isolated and are away from the development area. In response to the pet issues, there are pet restrictions in the CC&Rs similar to previous approvals by the Board. He noted Aspen Woods is a different type of project than Magnolia Green.

Regarding the Boy's Home, Mr. Gast stated that hearing of potential graves concerned them deeply. They talked immediately with the Archdiocese regarding their efforts and with an archaeologists. A meeting was held with the Boy's Home on this issue as well as to review their proposal. At that time, maps, drawings, or other information regarding this burial site was requested, but no documents have been received. He noted that they did change their plan from the original proposal and after their meeting Mr. Gast said their plan now left many more of the trees so as to preserve the area even though there was no evidence to date. Even though legal opinion said they did not have to do anything, they did develop a condition so that they could properly deal with any remains that may be found.

Mr. Beighley asked what the vision was for the commercial site. Mr. Gast said they did not envision a drive-through, a gas station, a 7-11, McDonalds, but did envision a commercial aspect, likely a commercial office to be associated with what was across the street.

Mr. Gast, in response to Mr. Beighley's question about the THPRD conditions, stated that they were basically agreeing with their conditions, except for the issue of pets. A new proposal for the THPRD coming in to take over maintenance of the storm water facilities, is one where negotiations still need to occur. Mr. Gast reviewed their list item by item. He stated he was not opposed to the removal of the lupin from the site and noted that the natural area had been offered for dedication, it was approximately four acres, and they were waiting for a reply.

Mr. Gast responded to Chairman Williams that he was unable to get the information on the age of the trees.

Ms. Cannon asked who would do the storm water maintenance, until such time it is turned over. Mr. Gast stated they would. They would be in control of the system for at least a year and a half, and a year after it is built. Ms. Cannon also questioned the storm water performance measure, the storm water drains, and the swales, how they interacted.

Mr. Straus asked what the method for maintenance program was for storm water after Polygon is finished, for assurance that it will be followed up. Was there a provision that that information will be provided to either USA or Tualatin Hills, or City of Beaverton? Mr. Gast stated that they have started discussions with USA. They would like this to be a test case and have them monitor it from a performance standpoint. He also noted that should the homeowners association stop handling this, he thought there was a provision in

the CC&Rs for the City or USA to come in and take it over. Mr. Straus asked if there were provisions for sampling in the CC&Rs, now, and as part of the program? Mr. Gast said he did not believe so and had no objection were that to be required or reports be required. In response to Mr. Straus' question regarding appropriate intervals for sampling and reports, considering the schedule for maintenance in general for the system, Mr. Bliss stated this would happen during construction, quarterly or at least after a storm of 1/2 inch in 24 hours. Then, either annually or biannually, particularly in the fall after the first or second major rainfall; then after significant rainfalls of 1/2 inch or more in 24 hours. He suggested it be left up to USA.

Mr. Straus asked how the individual homeowner would be regulated concerning the condition in the CC&Rs relating to pesticides. Mr. Gast responded that the homeowners association would have a maintenance program for landscaping and part of the contract would list what they can't use. The major area would be handled by the management association. Mr. Bliss also stated that the storm water management, storm filter system in itself, removes nitrates as well as phosphates and some of the other soluble metals.

Mr. Cooper noted that for clarification the Oregon white oak is proposed to be removed, but five new white oaks are proposed as mitigation. He stated storm water material was distributed seven days in advance and was concerned about statements that this material was not received in a timely manner. Staff will recommend a couple of other conditions, one will be condition 23, that the applicant shall notify THPRD and Friends of Beaverton Creek no less than 30 days of site grading, to allow for removal of any native plants from the graded area, so as to respond to concerns regarding the lupin, etc. The other condition is that THPRD and USA, with concurrence of City staff, shall be allowed to mutually inspect or maintain operation of bioswales and storm water filter systems. He noted that the City engineering and design manual, and City Municipal Code already give them that authority. He stated this was given as an option to reiterate and make clear the conditions of approval.

Mr. Duggan, Development Services Engineer stated there were a number of things regarding the wetlands and water quality and quantity issues that were discussed. With regard to wetland issues, and Mr. Kane's statement that staff had ignored that issue, that was incorrect. He pointed out that page 6 of the August 11 Facilities Review addressed this. He noted that almost all the utility plans that were reviewed for this site have one wetland impact, direct wetland impact is typically allowed by nationwide permit. This one impact is the sanitary sewer connection out to the USA trunk sewer within the corridor. That is typically a permit that is drafted relatively routinely by the wetland regulatory agencies. Concerning the detention requirement and the call that storm water detention be provided, the damage to stream corridors from flood events and at this location is described by Mr. Bliss and is included in the Facilities Review conditions of approval of August 11, page 5 condition B, detention was not a requirement of this project. It was counterproductive to have this site detain water for the 2, 10 and 25 year event. With the

water quality facilities, the swales, and storm water filter for the two year event and the below runoff rates, were the best they could expect in approximating a pre-development condition. Therefore, detention was not required. In response to the question about what determines a 2 year or 25 year event, it was the precipitation per 24 hour period and was a statistical measure.

With regard to erosion control, responsibility to the City during construction of site is managed by spot inspection. The primary responsibility lies with the engineer of record. This site, due to its location, would probably have more than the usual site inspections. Mr. Duggan stated in relation to the storm water quality facilities, the concern regarding impact on Beaverton Creek. The proposed storm water quality facility in the August 23 study to Alpha Engineering, if constructed as presented, would be by far the most advanced, the most comprehensive removal system that has been constructed in the Tualatin Basin. It is for that reason a good monitoring system. He then briefly outlined the components of their proposal.

The public portion of the hearing was closed.

Chairman Williams asked if any member of the Board needed additional time to review any information being considered for this item. None was requested.

RECESS at 10:17 p.m.

RECONVENED at 10:25 p.m.

Mr. Straus MOVED, Mr. Beighley SECONDED, to approve BDR 99056/TPP99004 Magnolia Green, based upon the testimony, reports and exhibits presented at the public hearing on the matter and upon the background facts, findings, and conclusions found in the staff report dated August 26, 1999; including Conditions 1 through 21, with the following additional conditions:

Condition #22: If graves are discovered on the development site, the applicant shall do the following:

1. The applicant shall notify the Washington County Coroner's Office immediately;
2. The applicant shall coordinate with the Archdiocese for the re-interment of any human remains in accordance with all applicable laws and regulations on an approved burial site; and

3. The applicant shall design and build a memorial garden on the site. The applicant shall submit a Type 1 Design Review for the review of the memorial garden.

Condition #23: The applicant and subsequently the homeowners association shall provide for sampling of storm water discharged from the site at the following times:

1. During construction;
2. After every rainfall event exceeding 1/2 inch in 24 hours subsequent to final occupancy permit; a minimum semi-annually.
3. Also subsequent to the final occupancy permit a report shall be submitted to the City of Beaverton and the Unified Sewage Agency documenting the maintenance activities for the water quality system.

Condition #24: Notice shall be provided to Tualatin Hills Park and Recreation District (THPRD) and Friends of Beaverton Creek, a minimum of 30 days prior to start of construction, to allow for removal of native plants on the site;

Condition #25: THPRD with the Unified Sewage Agency, with the concurrence of City of Beaverton staff or the City of Beaverton acting alone, shall be allowed to enter the Magnolia Green Development site for inspection and maintenance of the property operation of onsite storm water quality systems including bioswales and filtering.

Condition #26: Four foot, black vinyl, chain link fencing shall be installed continuously at the wetlands buffer line on the east and north side of the site.

Chairman Williams asked for any questions or amendments. There was clarification on final occupancy permit, which was meant at the time the City had signed off occupancy permit for the last structure on the site.

The question was called and the motion CARRIED unanimously.

Ms. Cannon and the Assistant City Attorney left the meeting at 10:35 p.m.

Mr. Straus MOVED, Mr. Beighley SECONDED to extend our limitations for accepting new business after 10 p.m.

The question was called, motion CARRIED unanimously.

NEW BUSINESS

PUBLIC HEARINGS

A. BDR 99-00116 - WATERHOUSE COMMONS RETAIL CENTER

(Continued from August 26, 1999)

Request for approval to construct two one-story retail buildings on the subject property. Each of the proposed buildings is approximately 15,300 square feet in size, with associated parking and landscaping. The site is within the Commercial Service (CS) zone. The site is located on the south side of SW Walker Road, east of Schendel Avenue, and west of Outrigger Terrace. The site is approximately 3 acres in size. Map 1S105BA, Tax Lots 2000 and 2001; and Map 1S105BB, Tax Lot 900.

Mr. Osterberg stated that this was a commercial project across from the Fred Meyers on Walker Road and surrounded by public streets on all four sides. This is a multi-tenant retail center and staff has reviewed all criteria for a Design Review Type 3 application. They recommend approval with the 20 standard type conditions. He mentioned that the applicant is proposing some minor variations in the number of landscape islands in the parking areas. Staff has reviewed this issue and made findings that it meets the intent of the Board's standard condition to provide adequate locations for trees within the parking lot area.

APPLICANT

MARIO ESPINOSA, Ankrom Moisan Architects, 6720 SW Macadam Ste 100, Portland, OR 97219. He reviewed the site plan with two commercial buildings, for retail, one story each with about 15,300 square feet. They are both are within 23 feet of the property line on Walker Road and are proposed to be of multiple tenancy and multiple materials. Most prevailing are the colors of beige and gold. Primarily a flat roof will conceal all mechanical equipment above. The building is proposed to be in front of Walker Road to address several issues, including transportation and pedestrian accessibility from the Tri-Met system. The rest of the parking is proposed in the back and exceeds minimums for parking and landscape coverage, and meets requirements for lighting and exposure, glare, etc. as prescribed by City standards. There is no tree preservation plan. The other element of the proposal is to have a relocation of an exiting sewer line that serves a swale contained on the other side of Regatta as an overflow. It addresses all aspects of ADA and height requirements, transparency of building and pedestrian access.

In response to Ms. Crane's question, Mr. Espinosa reported that the inside of the plaza was designed to make the area inviting to businesses that have to do with potential outside activities such as coffee houses, delis, etc., to stimulate pedestrian access to the site.

Mr. Williams inquired about the fencing around existing trees. Mr. Osterberg stated he was checking the Facilities Review report regarding this matter.

Mr. Espinosa stated that the arborist report, page 7, preparation and fencing mentioned it. Chairman Williams asked that that report be included for Board records.

Mr. Osterberg stated that he did not think he had included a fencing requirement around the trees.

Mr. Espinosa requested that the Board not required the provision of the six canopies that address the plaza. They are fabric and after further consideration with the structural engineer, they concluded it would be better to not have them as they would not support snow. The central awnings are metal and are engineered to take snow, but the other ones that are toward the rear elevation are the ones they are proposing to remove.

Chairman Williams asked the setback of the store fronts. Mr. Espinosa stated they were 7 feet on what would be the front elevation from the parking lot, creating a covered walkway in front of the building.

In response to Mr. Straus' question regarding the location of the trash enclosure from the stores, Mr. Espinosa stated that the first consideration was parking accessibility; the second was landscaping issues. Mr. Straus expressed concern about the distance the shop staff have to take trash. Mr. Espinosa said it could be reviewed again and he would look at trading some of the parking spaces to move the trash enclosure to the central row of cars which would be within 40 to 50 feet of the building. Mr. David Berniker, planner and designer with Ankrom-Moisan Architects stated that the distance issue was relevant but the other options of moving it into the parking lot would take away from the parking lot operating and functioning as a whole and clear entity. It would become a space issue.

Chairman Williams asked who the tenants were, and/or whattypes of business were proposed for this building. Mr. Espinosa answered the only tenant they know of now was a video store, using about 6,000+ square feet in building B. The other users who have been considered were a coffee house and a dentist.

Mr. Espinosa stated that the Board had the correct and latest site plan.

Mr. Straus MOVED and Mr. Beighley SECONDED for approval of BDR 99-00116, Waterhouse Commons Retail Center, based upon the testimony, reports, and exhibits presented at the public hearing on the matter and upon he background facts, findings and conclusion found in the staff report dated August 26, 1999, with conditions 1 through 20, and adding Condition 21 as follows:

Condition #21: The recommendations of the arborist's report shall be incorporated in the final drawings provided for the site development plan.

The question was called, motion CARRIED unanimously.

B. BDR99-00092 - KINGS CELL TOWER

(Continued from August 26, 1999)

Request for Design Review approval to construct a wireless communication facility at 14645 SW Davis Road. The proposal includes three antennas flush-mounted onto an existing 80 foot self supporting monopole and a 12 foot by 16 foot equipment shelter. The existing facility had previous Board of Design Review (BDR) and Conditional Use Permit (CUP) approval in 1997 by BDR 97082 and CUP 97013. The R-7 zone requires a CUP approval for utility substations and related facilities other than transmission lines. Since a Conditional Use Permit hearing had previously approved the site, the applicant is requesting an administrative CUP to add the additional communication facility to the site. Therefore, no public hearing regarding the Conditional Use request will be held unless the decision is appealed. The site is approximately 4.65 acres in size. Map 1S1-20AA; Tax Lot 100.

Mr. Colin Cooper this was a proposal for a collocation on an existing pole at 14645 SW Davis Road. The zoning for the site is R7, Urban Standard Density and this site has been the previous recipient of a design review approval for the pole and conditional use permit by the Planning Commission. The proposal is to collocate an antenna array on the existing pole and because of the new structure, the equipment cabinet, a type 3 design review is before you. Staff recommends approval. The applicant will ask for a modification and new plans have been distributed. They show the equipment shelter flipped 180 degrees. It is not a very significant change. They are also asking that the irrigation on the condition in the staff report be modified to allow for just watering and maintenance. He noted that he had received no correspondence or contact regarding this proposal and the landscape screening that will go around the exterior of the fence will be the same. Mr. Cooper stated the staff was recommending approval.

Mr. Straus disclosed that he did not realize it previously, but he is also doing projects for this same company, probably through a different management firm, but he stated that it would have no impact on his decision.

APPLICANT:

SARA KING, 621 SW Morrison Ste 200, Portland, OR 97214. She stated she was a land use planner with The Bookin Group. She stated that Mr. Cooper had represented their requests correctly. She noted that the change to flip the building was due to the unavailability of a certain piece of equipment thus requiring the change in the building. They were also requesting an amendment to condition 11. They would be happy to agree to an

establishment period of two years for longevity of plants, and the plants would be manually watered.

Mr. Cooper suggested that the motion include the new plan set that has been handed out on September 2, 1999.

Mr. Straus MOVED, and Ms. Crane SECONDED for approval of BDR 99-00092 based upon the testimony, reports and exhibits presented at the public hearing on the matter and upon the background facts, finding and conclusions found in the staff report dated 8/26/99, including Conditions 1 through 17 with the following modifications:

Condition #11: A two-year establishment period for planting may be substituted for the irrigation system.

Condition #18: Drawings A1 and A2, dated September 2, 1999, distributed at the meeting shall be the basis for the approval.

The question was called and the motion CARRIED unanimously.

C. **BDR99-00119/VAR99-00018 - ROSE BIGGI AVENUE AND HENRY STREET MODIFICATIONS**

(Continued from August 26, 1999)

Request for Design Review approval to improve SW Rose Biggi Avenue and extend SW Henry Street west to connect with SW Rose Biggi Avenue. The improvement proposal of SW Rose Biggi extends from SW Canyon Road to the proposed extension of SW Henry Street intersection. The applicant also requests a Design Variance to the City of Beaverton's street standards from the required 11 ½ feet from curb to right-of-way line, which would include the planter strip and sidewalk, to 9 ½ foot sidewalks that would be curb-tight without a planter strip. The site is within the Town Center (TC) zone. The site is located along SW Rose Biggi Avenue between SW Canyon Road and SW Henry Street, and is approximately 1.90 acres in size. Map 1S1-16AA; Tax Lot 700, 800, 801, 2800 & 2900.

Mr. Roth stated that the applicant had requested a design variance for two standards. One is for curb tight sidewalks. The staff has used the same rationale and the same justifications for the SW Lombard Street project and presently SW Henry Street that is being connected which was done in conjunction for The Round project. He noted that this was a continuation of that policy, of having the larger curb tight sidewalks to create a pedestrian environment. The other variance relates to the design standard, which requires a larger road width at Canyon Road. The traffic engineer has reviewed this issue and feels that this is an acceptable design as an interim measure. When further redevelopment occurs, specifically to the property to the west, where the cleaners is, the additional right-of-way

dedication and reconstruction with redevelopment would be more than adequate to accommodate the extra six feet for any potential turn lane, if there even is a turn lane in the future. The Transportation Engineering staff have provided a detailed review of the issues within the staff report. Regarding the design review, on sheet L 1.02, option 1 with sidewalk, provides for a planter strip between the existing parking lot to the east and the new road. Providing this planter strip will take an existing non conforming parking lot setback situation and make the parking lot conforming, which is a benefit to that owner. Staff is recommending approval of option 1 and option 2. The differences of the options relate to the west side of the road where the existing cleaners is located. The first option proposes a sidewalk adjacent to the building and a public easement. The second option proposes an at-grade sidewalk constructed of a different material, which is behind the existing parking spaces that would back out into Rose Biggi. This is an existing situation now. Option 1 provides a non-conflict situation with pedestrians and cars backing onto Rose Biggi, it is out of the way and one thought was that it might not be adequately used. Option 2 provides a delineated sidewalk constructed of a different material, different texture, which would denote to someone backing up, or going in that direction, that this is a sidewalk. The transportation engineering section has reviewed this and feels that either option is acceptable because it is an interim measure. In addition, when the redevelopment of these properties occurs, it will have to be built to full standard, curb, sidewalk, etc. The reason for approving both options will enable the City in their purchase of the right-of-way, greater flexibility in their negotiations. Staff feels both options are equally good and are recommending approval for everything. Mr. Roth noted there are two separate decisions, one is a design review and one is a variance, requiring two motions.

In response to Mr. Straus' question of why these are proceeding at this time, Mr. Roth stated that this project has been budgeted on the CIP funding and is a project in connection with a couple of infrastructure improvements in the area. The City Council has decided this is a priority project. Mr. Straus asked if they felt this would encourage development in the adjoining area? Mr. Roth noted that from a planning perspective, that was one of their hopes and goals.

APPLICANT:

TERRY WALDELE, City of Beaverton, PO Box 4755, 97076.

JIM BRINK, City of Beaverton, PO Box 4755, 97076.

Mr. Brink reported they have reviewed the staff report and find no problems and recommend it be approved as is.

Mr. Straus MOVED, Mr. Beighley SECONDED to approve VAR 99-00018, Rose Biggi Avenue and Henry Street Modifications, based upon the testimony, reports and exhibits presented at the public hearing on the matter and upon the background facts, findings and conclusions found in the staff report dated September 2, 1999 including conditions 1, 2 and 3.

The question was called and the motion CARRIED unanimously.

Mr. Straus MOVED, Mr. Beighley SECONDED to approve BDR 99-00119 Rose Biggi Avenue and Henry Street modifications, based upon the testimony, reports and exhibits presented at the public hearing on the matter and upon the background facts, findings and conclusions found in the staff report dated September 2, 1999 including conditions 1 through 12.

The question was called and the motion CARRIED unanimously.

APPROVAL OF MINUTES

Mr. Straus MOVED and Ms. Crane SECONDED a motion for approval of the minutes of June 24, 1999 with the corrected spelling of Ms. Crane's first name Anissa.

The question was called and the motion CARRIED unanimously.

ADJOURNMENT at 11:40 p.m.